



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,621	01/31/2005	Kiyobumi Matsunaga	263000US6PCT	6760
22850	7590	04/15/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
EKP0, NNENNA NGOZI				
ART UNIT		PAPER NUMBER		
2425				
NOTIFICATION DATE		DELIVERY MODE		
04/15/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

### Office Action Summary

**Application No.**

10/522,621

**Applicant(s)**

MATSUNAGA, KIYOBUMI

**Examiner**

Nnenna N. Ekpo

**Art Unit**

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 5, 2009 has been entered.

### ***Claim Objections***

2. **Claims 1, 3-8 and 11-14** are objected to because of the following informalities: The claims are not consistent with the "means plus function" claim format . Appropriate correction is required.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1 and 3-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 6-7, 9-10, 17 and 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748) in view of Akazawa et al. (U.S. Publication No. 2003/0065794) and Yen et al. (U.S. Patent No. 6,728,698).

Regarding **claims 1 and 17**, Rodriguez et al. discloses a communication system comprising:

a data processing apparatus (TV, 41) configured to receive and process data (see paragraph 0045) and

a data providing apparatus (headend 11) configured to provide data to said data processing apparatus (see paragraph 0018, the headend provides television signals to cable-ready television sets);

wherein said data processing apparatus includes (TV, 41):

button display controlling means for displaying first buttons (non-highlighted regions e.g., sisters, story of us, Thomas Crown Affair etc) representing executable functions in a first display format (see fig 5) while displaying second buttons (highlighted button e.g. Titanic) representing optional functions in a second display format (see fig 5 and 8, when "Titanic" is clicked on, the options "add comments, play from beginning of movie" etc is displayed);

executing means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons (see paragraph 0047, lines 9-21);

display updating means for updating a display of the one of the second buttons by displaying the one of the second buttons in said first display format (see fig 8 and paragraph 0064, lines 4-14), and

wherein said data providing apparatus includes (see fig 2, headend (11)):

However, Rodriguez et al. fails to specifically disclose displaying a download button requesting to download software executing a function when a button is selected, downloading means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with a button, new button display controlling means for displaying a new second button representing a new function corresponding to new function information, software request receiving means for receiving said download request for said software from said data processing apparatus, software transmitting means for transmitting said software to said data processing apparatus in response to said download request for said software and new function information transmitting means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function.

Akazawa et al. discloses displaying a download button requesting to download software executing a function when a button is selected (see fig 7 (B4), paragraphs 0042, 0046, lines 15-20),

downloading means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a

download request for software implementing a function associated with a button (see fig 7 (B4), paragraph 0047, lines 4-15),

software request receiving means for receiving said download request for said software from said data processing apparatus (see paragraphs 0046 and 0057),

software transmitting means for transmitting said software to said data processing apparatus in response to said download request for said software (see paragraphs 0046 and 0057),

execution of a download software (see fig 7 (B4)), and

new function information transmitting means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function (see paragraphs 0047, 0054, lines 20-30 and 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al.'s invention with the above mentioned limitation as taught by Akazawa et al. for the advantage of receiving a result from a request.

However, Rodriguez et al. and Akazawa et al. fail to specifically disclose new button display controlling means for displaying a new second button representing a new function corresponding to new function information.

Yen et al. discloses new button display controlling means for displaying a new second button representing a new function corresponding to new function information (see col. 3, lines 51-67 and fig 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al. and Akazawa et al.'s invention with the above mentioned limitation as taught by Yen et al. for the advantage of the browser engine initiating the function module of the application corresponding to the function icon so that the application executes a specific function.

Regarding **claims 6 and 21**, Rodriguez et al. discloses a data processing apparatus (TV, 41) for receiving and processing data (see paragraph 0045) from a data providing apparatus (headend 11), said data processing apparatus (see paragraph 0018, the headend provides television signals to cable-ready television sets) comprising:

button display controlling means for displaying first buttons (non-highlighted regions e.g., sisters, story of us, Thomas Crown Affair etc) representing executable functions in a first display format (see fig 5) while displaying second buttons (highlighted button e.g. Titanic) representing optional functions in a second display format (see fig 5 and 8, when "Titanic" is clicked on, the options "add comments, play from beginning of movie" etc is displayed);

executing means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons (see paragraph 0047, lines 9-21);

display updating means for updating a display of the one of the second buttons by displaying the one of the second buttons in said first display format (see fig 8 and paragraph 0064, lines 4-14).

However, Rodriguez et al. fails to specifically disclose displaying a download button requesting to download software executing a function when a button is selected, downloading means for downloading said software provided by said data processing apparatus when said download button is selected, new button display controlling means for displaying a new second button representing a new function corresponding to new function information.

Akazawa et al. discloses displaying a download button requesting to download software executing a function when a button is selected (see fig 7 (B4), paragraphs 0042, 0046, lines 15-20),

downloading means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with a button (see fig 7 (B4), paragraph 0047, lines 4-15),

execution of a download software (see fig 7 (B4)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al.'s invention with the above mentioned limitation as taught by Akazawa et al. for the advantage of receiving a result from a request.

However, Rodriguez et al. and Akazawa et al. fail to specifically disclose new button display controlling means for displaying a new second button representing a new function corresponding to new function information.



Yen et al. discloses new button display controlling means for displaying a new second button representing a new function corresponding to new function information (see col. 3, lines 51-67 and fig 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al. and Akazawa et al.'s invention with the above mentioned limitation as taught by Yen et al. for the advantage of the browser engine initiating the function module of the application corresponding to the function icon so that the application executes a specific function.

Regarding **claims 7 and 22**, Rodriguez et al., Akazawa et al. and Yen et al. discloses everything claimed as applied above (see *claims 6 and 21*). Akazawa et al. discloses new function information transmitting means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function (see paragraphs 0047, 0054, lines 20-30 and 0057).

Yen discloses new button display controlling means for displaying a new second button representing a new function corresponding to new function information (see col. 3, lines 51-67 and fig 4).

Regarding **claims 9 and 10**, Rodriguez et al. discloses a data processing method (TV, 41) for receiving and processing data (see paragraph 0045) from a data providing apparatus (headend, 11) (see paragraph 0018, the headend provides

television signals to cable-ready television sets), said data processing method (TV, 41) comprising the steps of:

displaying first buttons (non-highlighted regions e.g., sisters, story of us, Thomas Crown Affair etc) representing executable functions in a first display format (see fig 5) while displaying second buttons (highlighted button e.g. Titanic) representing optional functions in a second display format (see fig 5 and 8, when "Titanic" is clicked on, the options "add comments, play from beginning of movie" etc is displayed);

executing a function associated with one of said first buttons to an actuation of one of the first buttons (see paragraph 0047, lines 9-21);

updating a display of the one of the second buttons by displaying the one of the second buttons in said first display format (see fig 8 and paragraph 0064, lines 4-14).

However, Rodriguez et al. fail to specifically disclose displaying a download button requesting to download software executing a function when a button is selected,

downloading said software provided by said data providing apparatus when said download button is selected, in response to a download request for software implementing a function associated with a button, displaying a new second button representing a new function corresponding to new function information, transmitting information about a new function to said data processing apparatus from said data providing apparatus.

Akazawa et al. discloses displaying a download button requesting to download software executing a function when a button is selected (see fig 7 (B4), paragraphs 0042, 0046, lines 15-20),

downloading means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with a button (see fig 7 (B4), paragraph 0047, lines 4-15),

execution of a download software (see fig 7 (B4)), and

transmitting information about a new function to said data processing apparatus from said data providing apparatus (see paragraphs 0047, 0054, lines 20-30 and 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al.'s invention with the above mentioned limitation as taught by Akazawa et al. for the advantage of receiving a result from a request.

However, Rodriguez et al. and Akazawa et al. fail to specifically disclose displaying a new button representing a new function corresponding to new function information.

Yen et al. discloses displaying a new button representing a new function corresponding to new function information (see col. 3, lines 51-67 and fig 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al. and Akazawa et al.'s invention with the above mentioned limitation as taught by Yen et al. for the advantage of the browser engine initiating the function module of the application corresponding to the function icon so that the application executes a specific function.

6. **Claims 3, 4, 18 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748), Akazawa et al. (U.S. Publication No. 2003/0065794) and Yen et al. (U.S. Patent No. 6,728,698) as applied to *claim 1* above, and further in view of De Vos et al. (U.S. Patent No. 6,760,917).

Regarding **claims 3 and 18**, Rodriguez et al., Akazawa et al. and Yen et al. discloses everything claimed as applied above (*see claims 1 and 17*).

However, Rodriguez et al., Akazawa et al. and Yen et al. fail to specifically disclose wherein said data providing apparatus further comprises download history creating means for creating a download history regarding said software downloaded by said data processing apparatus.

De Vos et al. discloses data providing apparatus (system manager, 60) further comprises download history creating means for creating a download history regarding said software downloaded by said data processing apparatus (set top box, 40) (see col. 6, lines 23-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al. and Yen et al.'s invention with the above mentioned limitation as taught by De Vos et al. for the advantage of keeping an inventory of how many video-on demand contents have been distributed to viewers.

Regarding **claims 4 and 19**, Rodriguez et al., Akazawa et al., Yen et al. and De Vos et al. discloses everything claimed as applied above (*see claims 3 and 18*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus further comprises charging means for charging for the downloaded software in keeping with said download history regarding said software transmitted to said data processing apparatus (see fig 6 (111, 112, 113) and paragraph 0048).

7. **Claims 5 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748), Akazawa et al. (U.S. Publication No. 2003/0065794), Yen et al. (U.S. Patent No. 6,728,698) and De Vos et al. (U.S. Patent No. 6,760,917) as applied to *claim 3* above, and further in view of Schlarb et al. (U. S. Patent No. 6,243,145) and Miyashita et al. (U. S. Publication No. 2001/0014876).

Regarding **claims 5 and 20**, Rodriguez et al., Akazawa et al., Yen et al. and De Vos et al. discloses everything claimed as applied above (*see claim 3*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus (see fig 2 (11)).

However, Rodriguez et al., Akazawa et al., Yen et al. and De Vos et al. fail to specifically disclose a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history; and

user-oriented information transmitting means for transmitting user-oriented information belonging to said category recognized by said category recognizing means; and

wherein said data processing apparatus further comprises user-oriented information display controlling means for displaying said user-oriented information.

Schlarb et al. user-oriented information transmitting means for transmitting user-oriented information belonging to said category recognized by said category recognizing means (see fig 8 and col. 5, lines 4-10, when a user selects a category of sports, sports information is transmitted to the user); and

wherein said data processing apparatus further comprises user-oriented information display controlling means for displaying said user-oriented information (see fig 9, when a user selects a sports category, sports information is displayed on the user's television screen).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al., Yen et al. and De Vos et al.'s invention with the above mentioned limitation as taught by Schlarb et al. for the advantage of providing different kinds of program to the user.

However, Akazawa et al., Yen et al., De Vos et al. and Schlarb et al. fails to specifically disclose a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history.

Miyashita discloses a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history (see paragraph 0059).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al., Yen et al., De Vos et al. and Schlarb et al.'s invention with the above mentioned limitation as taught by Miyashita for the advantage of the content provider and advertisement provider to use the received information for their marketing activities.

8. **Claims 8 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748), Akazawa et al. (U.S. Publication No. 2003/0065794), Yen et al. (U.S. Patent No. 6,728,698) as applied to *claim 6* above, and further in view of Schlarb et al. (U. S. Patent No. 6,243,145) and Miyashita et al. (U. S. Publication No. 2001/0014876).

Regarding **claims 8 and 23**, Rodriguez et al., Akazawa et al. and Yen et al. discloses everything claimed as applied above (see *claims 6 and 21*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus (see fig 2 (11)).

However, Rodriguez et al., Akazawa et al. and Yen et al. fail to specifically disclose a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history; and

user-oriented information transmitting means for transmitting user-oriented information belonging to said category recognized by said category recognizing means; and

wherein said data processing apparatus further comprises user-oriented information display controlling means for displaying said user-oriented information.

Schlarb et al. discloses user-oriented information transmitting means for transmitting user-oriented information belonging to said category recognized by said category recognizing means (see fig 8 and col. 5, lines 4-10, when a user selects a category of sports, sports information is transmitted to the user); and

wherein said data processing apparatus further comprises user-oriented information display controlling means for displaying said user-oriented information (see fig 9, when a user selects a sports category, sports information is displayed on the user's television screen).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al. and Yen et al.'s invention with the above mentioned limitation as taught by Schlarb et al. for the advantage of providing different kinds of program to the user.

However, Rodriguez et al., Akazawa et al., Yen et al. and Schlarb et al. fails to specifically disclose a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history.



Miyashita discloses a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history (see paragraph 0059).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al., Yen et al., and Schlarb et al.'s invention with the above mentioned limitation as taught by Miyashita for the advantage of the content provider and advertisement provider to use the received information for their marketing activities.

9. **Claims 11, 12, 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748) in view of Akazawa et al. (U.S. Publication No. 2003/0065794), De Vos et al. (U.S. Patent No. 6,760,917) and Miyashita et al. (U. S. Publication No. 2001/0014876).

Regarding **claim 11**, Rodriguez et al. discloses a data providing apparatus (see fig 2 (11)) (see paragraph 0018, the headend provides television signals to cable-ready television sets) for providing data to a data processing apparatus which receives and processes said data, said data providing apparatus comprising:

processing means for performing (see fig 2 (23, DNCS)) a relevant process in keeping (complete management) with said download history (see paragraph 0020, lines 1-3).

However, Rodriguez et al. fails to specifically disclose software request receiving means for receiving a download request for said software from said data processing

apparatus, software transmitting means for transmitting said software to said data processing apparatus in response to said download request for said software, download history creating means for creating a download history regarding said software downloaded by said data processing apparatus.

Akazawa et al. discloses software request receiving means for receiving said download request for said software from said data processing apparatus (see paragraphs 0046 and 0057),

software transmitting means for transmitting said software to said data processing apparatus in response to said download request for said software (see paragraphs 0046 and 0057),

new function information transmitting means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function (see paragraphs 0047, 0054, lines 20-30 and 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al.'s invention with the above mentioned limitation as taught by Akazawa et al. for the advantage of receiving a result from a request.

However, Rodriguez et al. and Akazawa et al. fail to specifically disclose download history creating means for creating a download history regarding said software downloaded by said data processing apparatus.

De Vos et al. discloses download history creating means for creating a download history regarding said software downloaded by said data processing apparatus (set top box, 40) (see col. 6, lines 23-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al. and Akazawa et al.'s invention with the above mentioned limitation as taught by De Vos et al. for the advantage of keeping an inventory of how many video-on demand contents have been distributed to viewers.

However, Rodriguez et al., Akazawa et al. and De Vos et al. fail to specifically disclose processing means including means for recognizing a category of the software downloaded by said processing apparatus with high frequency based on said download history.

Miyashita discloses a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history (see paragraph 0059).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al. and De Vos et al.'s invention with the above mentioned limitation as taught by Miyashita for the advantage of the content provider and advertisement provider to use the received information for their marketing activities.

Regarding **claim 12**, Rodriguez et al., Azakawa et al., De Vos et al. and Miyashita discloses everything claimed as applied above (*see claim 11*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus further comprises charging means for charging for the downloaded software in keeping with said download history regarding said software transmitted to said data processing apparatus (see fig 6 (111, 112, 113) and paragraph 0048).

Regarding **claims 15 and 16**, Rodriguez et al. discloses a data providing apparatus (see fig 2 (11)) (see paragraph 0018, the headend provides television signals to cable-ready television sets) for providing data to a data processing apparatus which receives and processes said data, said data providing apparatus comprising:

processing means for performing (see fig 2 (23, DNCS)) a relevant process in keeping (complete management) with said download history (see paragraph 0020, lines 1-3).

However, Rodriguez et al. fail to specifically disclose receiving a download request for said software from said data processing apparatus,

transmitting said software to said data processing apparatus in response to said download request for said software,

creating a download history regarding said software download by said data processing apparatus and

transmitting information of new function to said data processing apparatus when software exists for executing the new function.

Azakawa et al. discloses receiving a download request for said software from said data processing apparatus (see paragraphs 0046, 0057),

transmitting said software to said data processing apparatus in response to said download request for said software (see paragraphs 0046, 0057) and

transmitting information of new function to said data processing apparatus when software exists for executing the new function (see paragraphs 0047, 0054, lines 20-30 and 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al.'s invention with the above mentioned limitation as taught by Akazawa et al. for the advantage of receiving a result from a request.

However, Rodriguez et al. and Akazawa et al. fail to specifically disclose creating a download history regarding said software downloaded by said data processing apparatus.

De Vos et al. discloses creating a download history regarding said software downloaded by said data processing apparatus (see col. 6, lines 23-37); and

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al. and Azakawa et al.'s invention with the above mentioned limitation as taught by De Vos et al. for the advantage of keeping an inventory of how many video-on demand contents have been distributed to viewers.

However, Rodriguez et al., Akazawa et al. and De Vos et al. fail to specifically disclose recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history.

Miyashita discloses a category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history (see paragraph 0059).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al. and De Vos et al.'s invention with the above mentioned limitation as taught by Miyashita for the advantage of the content provider and advertisement provider to use the received information for their marketing activities.

10. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748), Akazawa et al. (U.S. Publication No. 2003/0065794), De Vos et al. (U.S. Patent No. 6,760,917) and Miyashita et al. (U.S. Publication No. 2001/0014876) as applied to *claim 11* above, and further in view of and Schlarb et al.

Regarding **claim 13**, Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al. discloses everything claimed as applied above (see *claim 11*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus (see fig 2 (11)).

However, Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al. fail

user-oriented information transmitting means for transmitting user-oriented information belonging to said category recognized by said category recognizing means.

Schlarb et al. discloses user-oriented information transmitting means for transmitting user-oriented information belonging to said category recognized by said category recognizing means (see fig 8 and col. 5, lines 4-10, when a user selects a category of sports, sports information is transmitted to the user); and

wherein said data processing apparatus further comprises user-oriented information display controlling means for displaying said user-oriented information (see fig 9, when a user selects a sports category, sports information is displayed on the user's television screen).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al.'s invention with the above mentioned limitation as taught by Schlarb et al. for the advantage of providing different kinds of program to the user.

11. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (U.S. Publication No. 2007/0136748), Akazawa et al. (U.S. Publication No. 2003/0065794), De Vos et al. (U.S. Patent No. 6,760,917) and Miyashita et al. (U.S. Publication No. 2001/0014876) as applied to *claim 11* above, and further in view of Yen et al. (U.S. Patent No. 6,728,698).

Regarding **claim 14**, Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al. discloses everything claimed as applied above (*see claim 11*).

Rodriguez et al. discloses a communication system wherein said data providing apparatus (see fig 2 (11)).

However, Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al. fail to specifically disclose new function information transmitting means which, if there exists software for executing any new function, transmits information about said new function to said data processing apparatus

Yen et al. discloses new function information transmitting means which, if there exists software for executing any new function, transmits information about said new function to said data processing apparatus (see abstract, col. 4, lines 10-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rodriguez et al., Akazawa et al., De Vos et al. and Miyashita et al.'s invention with the above mentioned limitation as taught by Yen et al. for the advantage of the browser engine initiating the function module of the application corresponding to the function icon so that the application executes a specific function.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna. N. Ekpo/  
Patent Examiner  
April 10, 2009.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425